



UNITED STATES DEPARTMENT OF COMMERCE  
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CONTROL NUMBER	FILING DATE	PATENT UNDER REEXAMINATION	ATTORNEY DOCKET NO.
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90/005,708 04/24/00 5839514

EXAMINER VITA-006
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ART UNIT	PAPER NUMBER
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PM82/0616

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San Antonio TX 78205

SUCHFIELD, G 5  
DATE MAILED:  
3672

06/16/00

## ORDER GRANTING/DENYING REQUEST FOR REEXAMINATION

The request for reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): ☐ PTO-892, ☐ PTO-1449, ☐ Other: \_\_\_\_\_

☒ The request for reexamination is GRANTED.

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Statement (optional): TWO MONTHS from the mailing date hereof. 37 CFR 1.530(b).  
EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

For Requester's reply (optional): TWO MONTHS from the date of service of any patent owner's statement.  
37 CFR 1.535. NO EXTENSION OF TIME IS PERMITTED. If patent owner does not file a timely  
statement under 37 C.F.R. 1.530(b), no reply by requester is permitted.

☐ The request for reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 303(c). Requester may seek review by petition to the  
Commissioner within ONE MONTH from the mailing date hereof. 37 CFR 1.515(c). EXTENSIONS OF  
TIME ONLY UNDER 37 CFR 1.183.

In due course, a refund under 37 CFR 1.26(c) will be made to requester (listed below if not patent owner)  
☐ by Treasury check, ☐ by credit to Deposit Account No. \_\_\_\_\_  
unless notified otherwise. 35 U.S.C. 303(c).

(Third party requester's correspondence address)

Art Unit: 3672

1. A substantial new question of patentability affecting claims 1-11 of United States Patent Number 5,839,514 is raised by the request for reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in reexamination proceedings are provided for in 37 CFR 1.550(c).

The request indicates that Requester considers that all the patent claims, i.e., 1-11 of the patent, are either anticipated and/or obvious over the Vita Brochure and Composite Catalog Advertisement, submitted with the Request, and accompanied by evidence that both were published on May 7, 1996, and also the references to Gipson'035 and Shaaban et al'643, cited of record in the patent. Most specifically, Requester contends that the Vita Brochure and/or Composite Catalog Advertisement would form the basis for rejection of the patent claims under 35 USC 102 or 103 with modification by the Gipson'035 and Shaaban et al'643 references. For example, Requester contends it would have been obvious to one having ordinary skill in the art to which the invention pertains, at the time of the Gipson patent to modify the Vita Brochure to include the straightener means (26) of Gipson'035, as called for in claim 10.

It is agreed that the consideration of the Vita Brochure and Composite Catalog Advertisement raises a substantial new question of patentability as to claims 1-11 of the Gipson patent. Both the Vita Brochure and Composite Catalog Advertisement, which appear directed to

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the same overall coiled tubing injector apparatus, clearly depict an apparatus for injecting coiled tubing into a well or hole in the earth's surface comprising a frame having a front and back end, both a tubing storage spool and a rotatable coiled tubing injector reel associated with the frame, with the further provision of a mast pivotally mounted on the frame and the coiled tubing injector reel rotatably mounted on the mast. By this arrangement, the coiled tubing injector reel is thus movable between a storage position on the front end of the frame to an operative position over the back end of the frame via movement of the mast. This illustration(s) or disclosure of a coiled tubing injector including a mast pivotally mounted on the frame with a coiled tubing injector reel rotatably mounted on the mast, such that the coiled tubing injector reel is movable between a storage position and an operative position via movement of the mast, was not present in the prosecution of the application which became the '514 patent. Further, there is a substantial likelihood that a reasonable examiner would consider this disclosure or showing important in deciding whether or not the claims are patentable. Accordingly, both the Vita Brochure and Composite Catalog Advertisement raise a substantial new question of patentability as to claims 1-11, which question has not been decided in a previous examination of the patent.

2. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is (703) 308-2152.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for this Group is (703) 305-3597, (703) 305-7687 or (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

gs/Suchfield  
June 7, 2000

  
George Suchfield  
Primary Examiner  
Art Unit 3672